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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,258	11/25/2003	Shintaro Suzuki	000409-069	4100

21839 7590 09/30/2005

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EXAMINER
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STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/720,258

Applicant(s)

SUZUKI, SHINTARO

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/3/05 + 4/23/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

### ***Drawings***

The drawings are objected to because figure 5 does not include the proper cross sectional shading as required by MPEP 608.02. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The abstract of the disclosure is objected to because entrapped detection device" on line 1 is confusing since it is unclear how the device is entrapped. On line 2, "opening and closing" is confusing since it is unclear how the opening-closing member

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is always opening and closing the opening portion. On line 3, "moves" is grammatically awkward and confusing. On lines 6-7, "at an opening-closing operation" is grammatically awkward and confusing. On line 11, "a detection device . . . member" appears to be a typographical error. Correction is required. See MPEP § 608.01(b).

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It is suggested the applicant amend the title to include the sliding vehicle door and to better describe the purpose of the invention.

### ***Claim Objections***

Claims 2 and 3 are objected to because a claim cannot depend from itself. However, in order to further the prosecution of the application, the examiner has assumed that claim 2 depends from claim 1 and that claim 3 depends from claim 1. Claim 7 is objected to because the preamble of claim 7 does not agree with the preamble of claim 1 from which it depends. Claims Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "entrapped detection device" on line 1 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Is

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the applicant setting forth the detection device itself is entrapped? Recitations such as "opening and closing an opening portion" on line 2 of claim 1 render the claims indefinite because it is unclear how the opening-closing member is always opening and closing the opening portion. Recitations such as "for moves" on line 3 of claim 1 render the claims indefinite because they are grammatically awkward and confusing. Recitations such as "at an opening-closing operation" on line 8 of claim 1 render the claims indefinite because they are grammatically awkward and confusing. Recitations such as "the plane surface portion" on lines 3-4 of claim 4 render the claims indefinite because they lack antecedent basis.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by German Patent Publication No. 498 49 080. German Patent Publication No. 498 49 080 discloses an entrapped detection device of an opening-closing member 1 which is opening and closing an opening portion (not numbered, but comprising the opening in the door frame) of a vehicle body comprising: a driving power source 10 for moves the opening-closing member; a motivity transmission member 12 provided between the opening-closing member and the driving power source; a deformation member 5

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configured to be deformed via the motivity transmission member in accordance with the load applied to the opening-closing member at an opening-closing operation of the opening-closing member; a strain gauge 28 assembled to the deformation member and configured to convert a strain according to the deformation of the deformation member to an electric signal; and a control mechanism 17 for detecting an entrapment of an external object based on the electric signal from the strain gauge, the transmission member includes the deformation member 5 which comprises a cable 5 which is connected to the body by a bracket 24, the bracket includes the deformation member since the deformation member extends through and is connected to the bracket 24 and includes a stopper portion (not numbered, but shown in figure 3 as that portion of the bracket 24 which holds the member 5 therein), the bracket includes a plane surface portion (not numbered, but comprising the portion of the bracket 24 which is parallel to and above the assembling portion 24a) and the strain gauge is mounted on the plane surface portion via the cable 5.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hormann, Orsat, Theile, Sasaki et al., and Jurado et al. are cited for disclosing a strain gauge for use with a closure member. Beus et al. is cited for disclosing a device for measuring tension in a cable with a strain gauge.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-

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272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a stylized flourish extending from the end.

Gregory J. Strimbu  
Primary Examiner  
Art Unit 3634  
September 27, 2005